

## **REMARKS**

### **I. INTRODUCTION**

Claim 1 has been amended. The limitation added to claim 1 by the present amendment is disclosed in paragraphs [0029]-[0030] of the Specification; therefore, it is respectfully submitted that no new matter has been added. Claims 1, 3-5, 8 and 9 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

### **II. CLAIM REJECTIONS – 35 U.S.C. § 102(e)**

Claims 1, 3-5, 8 and 9 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,366,661 to Devillier et al. (hereinafter “Deviller”). (See 2/26/10 Office Action, pp. 2-5.)

Claim 1, as presently amended, recites, in relevant part, “according to subscriber preferences stored in a memory and without action by a user of the subscriber terminal, selecting one of the steps of (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu at said subscriber terminal to provide the subscriber with options to handle the incoming call, said options including at least one of forwarding the call to a specific number, handling the call via a VoIP service, and sending the call to voicemail.”

Devillier states that when an “incoming call request is received, the SCP transmits a query to the communications server over the Internet requesting a current online status for the subscriber.” (Devillier, col. 6, ll. 19-21.) If the user is online, a display graphic is displayed to the user on the user’s PC display informing the user that an incoming call has been received. Devillier states that “[t]he display graphic is interactive in nature and a subscriber may make a selection as to how to route a particular call.” (*Id.*, col. 5, ll. 40-49.) The switching point then carries out the subscriber’s instructions regarding how to route the call. (See *id.*, col. 5, ll. 49-57.)

The Examiner asserts that Devillier teaches subscriber preferences stored in a memory, and that a forwarding number may be preprogrammed in the system. (See 2/26/10 Office

Action, p. 3, citing Devillier, col., 3, ll. 11-12; col. 4, ll. 41-42.) However, Devillier does not disclose that the system selects from a plurality of potential actions based on subscriber preferences, but without subscriber input. (See Devillier, *passim*.) Rather, the system of Devillier prompts a user for a selection, and then carries out the user's selection based on user preferences. (See id., col. 5, ll. 40-49.)


Therefore, the Applicants respectfully submit that Deviller does not disclose "*according to subscriber preferences stored in a memory and without action by a user of the subscriber terminal, selecting one of the steps of* (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu at said subscriber terminal to provide the subscriber with options to handle the incoming call, said options including at least one of forwarding the call to a specific number, handling the call via a VoIP service, and sending the call to voicemail," as recited in claim 1. Accordingly, this rejection should be withdrawn. Because claims 3-5, 8 and 9 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the currently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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